

Attachment 8: Water Service as an Urban and Rural Service

Summary

The purpose of this attachment is to clarify the Growth Management Act (GMA) provisions around domestic water service within rural areas. The GMA defines domestic water service as both an urban and a rural service. Local governments may provide a different definition of rural service or limit water service in their adopted comprehensive plan and development regulations. Water service must be designed at the level of service designated appropriate by the local land use authority for that area.

Background

The appropriateness of providing water in rural areas has been interpreted in many different ways since the passage of the GMA in 1990, codified as RCW 36.70A. Some of the interpretative differences stem from slight modifications in definitions made to the GMA throughout the years. The GMA definitions given in RCW 36.70A.030 identify water service as both a “public facility” and an “urban governmental service.” The two definitions are:

- “Public facilities” include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, park and recreational facilities and schools.
- “Urban governmental services” include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

These definitions of where domestic water service can serve left a choice: Adopt either a broad interpretation allowing water service (along with roads, schools, etc.) in both urban and rural areas or a narrower interpretation limiting water service to urban areas. In 1990, the GMA did not include a definition of ‘rural service.’ In 1995, RCW 36.70A.110(4) was added clarifying that water could be served in rural areas to protect public health and safety if it was financially supportable and did not permit urban development.

Clarification of Water Service

In 1997, the legislature gave further direction on this issue by providing a definition of a rural governmental service that included domestic water systems (RCW 36.70A.030), which stated:

“Rural governmental services” or “rural services” include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110.

With domestic water systems now part of the definition for both “urban governmental service” and “rural governmental service,” it is clear that water utilities are not prohibited by the GMA from providing domestic water services in rural areas. Water service must be designed at the level of service designated appropriate by the local land use authority for that area. Water service must also be provided in accordance with the Department of Health’s minimum design criteria for public water systems, (WAC 246-290-222, 230 and 235).

For More Information:

Department of Health, Office of Drinking Water, Regional Offices:

Southwest Regional Office	360-664-0768
Northwest Regional Office	253-395-6750
Eastern Regional Office	509-456-3115